

BOARD MEETING DATE: May 3, 2013

AGENDA NO. 7

PROPOSAL: Execute and Amend Contract with Legal Counsel to Provide Representation in Employment Litigation

SYNOPSIS: It has become necessary to retain outside legal counsel to advise and represent SCAQMD in employment-related litigation. This action is to authorize the Executive Officer to amend an existing contract with Fisher & Phillips LLP to add an additional \$50,000.

COMMITTEE: Administrative, April 12, 2013: Recommended for Approval

RECOMMENDED ACTIONS:

Authorize the Executive Officer to amend the existing contract with the law firm of Fisher & Phillips LLP to add \$50,000 for a total amount not to exceed \$185,000.

Barry R. Wallerstein, D.Env.
Executive Officer

WJ:vmr

Background

SCAQMD is involved in employment lawsuits, and it is necessary to contract with experienced outside counsel for advice and representation in the on-going lawsuits.

Proposal

Fisher & Phillips LLP will be involved in advising and representing SCAQMD in on-going employment litigation matters. A contract for \$135,000 has been executed under Executive Officer authority over two fiscal years. Staff requests that the Board authorize the Executive Officer to amend the contract with the firm of Fisher & Phillips LLP to authorize an additional \$50,000 to provide legal services in an amount not to exceed \$185,000.

Sole Source Justification

AQMD's Procurement Policy, Section VIII B2, provides for a waiver of formal bid processes under certain circumstances based upon documentation justifying a sole-source award. The award to Fisher & Phillips LLP is justified pursuant to Procurement Policy Section VIII B2(d), other circumstances exist justifying a sole-source award, subdivision (4), level-of-effort, expert consultation services, in view of the need for immediate and significant work involving special expertise in employment law and the fact that the firm has been selected pursuant to agreement with the SCAQMD's employment coverage insurer. Fisher & Phillips LLP has special expertise based on the level of experience and prior involvement.

Resource Impacts

Sufficient funds are available in Administrative & Human Resources' FY 2012-13 Budget, Professional & Services account.